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**STATE OF MINNESOTA****OFFICE OF THE ATTORNEY GENERAL****ST. PAUL 55155****HUBERT H. HUMPHREY, III**  
ATTORNEY GENERALADDRESS REPLY TO  
ATTORNEY GENERAL'S OFFICE  
POLLUTION CONTROL DIVISION  
1935 WEST COUNTY ROAD B-2  
ROSELVILLE, MN 55113  
TELEPHONE: (612) 296-7342*Dill Seeks  
Grundler  
Hurd*

February 23, 1985

**Mark R. Kaster, Esq.**  
**Dorsey & Whitney**  
**2200 First Bank Place East**  
**Minneapolis, MN 55402****Re: U.S. v. Reilly Tar & Chemical Corporation**  
**File No. Civ. 4-80-469****Dear Mark:**

I am in receipt of your letter of February 18, 1985. I would like to respond to the points in your letter, as well as to certain other matters that you have discussed with Betty McCain.

**Deposition of Drs. Poel, Spitzer and Shindell:**

In your letter of February 18, 1985, you suggest that the depositions of Drs. Poel, Spitzer and Shindell be taken at the Dorsey law firm.<sup>1/</sup> You rationalize the location of the depositions of Drs. Poel, Spitzer, and Shindell at your offices on the basis that the depositions of Messrs. Grundler, Bitter and Mercer are scheduled to be taken at the offices of the Department of Justice in Washington.

The offices of the Department of Justice were made available for your convenience. Certainly we do not insist that these depositions be taken at the offices of the Department of Justice. Rather, you may select a location of your choice in the District of Columbia for these depositions. Please advise what location you prefer in the District of Columbia.

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Also in your letter of February 18, 1985, you incorrectly state that "Reilly has agreed to bring" these witnesses to Minneapolis. In fact, the scheduling of these witnesses at these times, and the location of the deposition in Minneapolis, is at your request.

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Furthermore, if you prefer to take the deposition of Dr. Mercer where he resides, you may schedule his deposition at a location of your choice in Hindon, Virginia.

In my letter of February 12, 1985, I advised you that we have made arrangements to take the depositions at the offices of the United States Attorney in Minneapolis. We are pleased that the U.S. Attorney has made these offices available to us, as they are more convenient to you than the PCA offices in Roseville, while providing the plaintiffs with the support services necessary for the lengthy depositions that will be conducted.

Commencement of the Deposition of Dr. Poel:

We are unable to begin the examination of Dr. Poel at 9:30 a.m. on Monday, March 4, 1985. As noted in my letter of February 12, 1985, the examination of Dr. Poel should begin at 1:00 p.m.

Scheduling the Deposition of Mr. Harris:

We have again agreed to Dorsey's request to delay the deposition of Mr. Harris to the week of March 18th. Mr. Harris will not be available for deposition after March 19th.

The deposition of Mr. Harris is now scheduled at 9:30 a.m. on Tuesday, March 19, 1985, in Milwaukee, WI. Please advise what location you prefer in Milwaukee.

Deposition of Pat Fleischauer:

You have agreed to confirm the availability of Ms. Fleischauer for deposition on Monday, March 25, in Boston, as set forth in my letter of February 12, 1985.

Deposition of Dr. Spitzer:

The deposition of Dr. Spitzer may take more than one day. Accordingly, you should advise as to dates when the the examination of Dr. Spitzer may continue.

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Deposition of Dr. Shindell:

I await your advice as to the availability of Dr. Shindell to continue his examination beyond Thursday, March 20, 1985, if not completed on that date.

Depositions of Messrs. Bitter, Mercer, and McMichael:

As noted in my letter of February 12, 1985, the depositions of Messrs. Mercer and McMichael were rescheduled at your request. You have now suggested that the McMichael deposition be delayed and started at 1:00 p.m., Thursday, March 28, rather than 9:30 a.m. If the McMichael deposition does start at 1:00 p.m. on Thursday, March 28, 1985, it may well continue beyond Friday, March 29, 1985. Please advise as to dates when the examination may continue, if not completed on March 29th.

Availability of Mr. Kittell:

Please advise as to the availability of Mr. Kittell for deposition. As well, you are to have Mr. Kittell identify the AWPB proceedings on which he relies.

Addresses of Drs. Dean and Carnow:

In your telephone conversations with Betty McCain, you requested the addresses for the offices of Drs. Dean and Carnow:

Andrew Dean, M.D.  
Center For Disease Control  
1600 Clifton Road, N.E.  
Atlanta, Georgia 30333

Bertram W. Carnow, M.D.,  
F.C.C.P.  
Carnow, Conibear &  
& Associates, Ltd.  
20 North Wacker Drive  
Chicago, Illinois 60606

Depositions of Drs. Havender and Smith:

The depositions of Drs. Havender and Smith will be taken at the offices of the United States Attorney in San Francisco.

We are proceeding with final arrangements for all remaining depositions. We still await your advice with regard to your

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proposed scheduling of the depositions of the additional fact witnesses as discussed on the fourth page of my letter of February 15, 1985.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dennis M. Coyne", with a long horizontal flourish extending to the right.

DENNIS M. COYNE  
Special Assistant  
Attorney General

DMC:mh

cc: Hon. Crane Winton  
All Counsel  
Kirby Kennedy